



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo, Acting President

Jerry Duncan
Sal Quintero
Daniel Ronquillo

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, OCTOBER 29, 2002

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us).
THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:00 A.M. ROLL CALL

Invocation by William Nolte of the First Baptist Church
Pledge of Allegiance to the Flag

Proclamation of "YMCA Y-GUIDE DAY" - Councilmember Ronquillo
Proclamation of "LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL DAY" - All Councilmembers

Resolution of Commendation to Joey Pena - Councilmember Tom Boyajian
Presentation to Public Works Employees
Resolution Commemorating the United Methodist Church - Councilmember Quintero
Presentation of Orchid Awards - Councilmember Calhoun

COMMENDATIONS CONTINUED

Proclamation of “DENIM DAY” - Mayor and All Councilmembers

Proclamation of “COOPER MIDDLE SCHOOL” - All Councilmembers

Proclamation of “BRENDA B. BALDWIN” - All Councilmembers

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve minutes of October 22, 2002

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

10:00 A.M. Presentation of Employee Service Awards (*Reception immediately following - 2nd floor foyer*)

Action Taken:

11:00 A.M. HEARING to consider the use of \$935,600 awarded to the City by the U. S. Department of Justice to undertake the Local Law Enforcement Block Grant Program - Police Dept.

Action Taken:

a. RESOLUTION - Authorizing the acceptance of the award

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:30 A.M. CONTINUED HEARING - Regarding City of Fresno Community Facilities No. 2, Annexation No. 39 (Final Tract Map No. 4988)

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

- c. **RESOLUTION** - Declaring election results

Action Taken:

- d. * **BILL** - Levying a special tax for the property tax year 2002-2003 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 39

Action Taken:

11:45 A.M. Property tax audit by HDL - Final report on Prop 8 valuations - Finance Department

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT ITEMS**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Claim of Simplex Grinnell LP, successor-in-interest to Simplex Time Recorder Co.

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Angel Perez v. City of Fresno, et al.

2. **Case Name:** Gilbert Torres v. City of Fresno, et al.

3. **Case Name:** Dora Cooper v. City of Fresno, et al.

4. **Case Name:** Fresno Police Officers' Association and William M. Dragoo, Ronald Passmore, Lawrence Bertao, Daniel Montevercchi and Roger Enmark v. City of Fresno Retirement Board and the City of Fresno

5. **Case Name:** City of Fresno v. Blackstone Venture I, et al.

6. **Case Name:** A.H.D.C. v. City of Fresno, et al.

7. **Case Name:** Bombay Corporation, et al. v. City of Fresno

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 **CLOSED SESSION CONTINUED**

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Government Code Section § 54956.8

PROPERTY: Three parcels of land (one parcel immediately east of and adjacent to the BNSF Railroad right of way, between Kern and Mono Streets; two parcels immediately west of and adjacent to the BNSF Railroad right of way, between Tulare and Inyo Streets, including the old Santa Fe Depot).

CITY NEGOTIATORS: Robb Wood, Robert English, Mark Williamson, Jerry Haynes and John Holmes

NEGOTIATING PARTIES: Burlington Northern Santa Fe Railroad (BNSF)

UNDER NEGOTIATION: Terms and price

Action Taken:

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. **Case Name:** City of Fresno v. Bureau of Reclamation

Action Taken:

E. CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT-PARTICIPATION - Government Code Section 54954.2, Subdivision (a)

1. **Case Name:** San Jose Christian v. City of Morgan Hill (Ninth Circuit Court of Appeals Case No. 02-15693) (Appeal from United States District Court for the Northern District of California Case No. 01-20857)

Action Taken:

F. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Andrew T. Souza, Severo Esquivel and Jorge C. Aguiniga

Employee Organization(s):

1. International Union of Operating Engineers, Stationary Engineers Local 39 (Local 39)
2. Fresno City Employees Association (FCEA)
3. Amalgamated Transit Union, Local 1027 (ATU)
4. International Brotherhood of Electrical Workers, Local 100 (IBEW)
5. City of Fresno Professional Employees Association (CFPEA)
6. City of Fresno Management Employees Association (CFMEA)

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:30 P.M. TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of tax exempt revenue bonds by the California Statewide Communities Development Authority to provide financing and refinancing for Mobile Home Park Projects (Woodward Bluffs, Villa Fresno, Franciscan and Town & Country) (*Continued to 3:30 P.M.*)

Action Taken:

- a. **RESOLUTION** - Approving the issuance of qualified 501 (c)(3) revenue bonds by the California Statewide Communities Development Authority to finance and refinance mobile home parks for the Caritas Corporation, Inc.

Action Taken:

3:45 P.M. Walker Parking Study update and request for Council action on parking related issues - Public Works Dept.

Action Taken:

- a. Presentation of Walker Report
Action Taken:
- b. Approve Parking Agreement with the County of Fresno
Action Taken:
- c. Approve agreement with Golden Eagle Trolley for parking shuttle services to the stadium and boxcar parking lots - Councilmember Ronquillo
Action Taken:
- d. Reduction of enforcement of parking meters in non-core areas after 6:00 p.m., Monday through Sunday - Council President Perea

Action Taken:

4:00 P.M. HEARING - Adopt a resolution re: to designating the Whitney-Huntting Home located at 1105 N. Echo to the Local Official Register of Historic Resources - HECD (*Continued to 4:45 P.M.*)

Action Taken:

4:30 P.M. Direct staff to meet and confer with City of Fresno Employees Retirement System Units regarding 2.5% at 55 - Councilmember Quintero

Action Taken:

4:45 P.M. CONTINUED HEARING - Adopt a resolution designating the Whitney-Huntting Home located at 1105 N. Echo to the Local Official Register of Historic Resources - HECD

Action Taken:

- a. * **RESOLUTION** - Designating the Whitney-Huntting Home, located at 1105 N. Echo, to the Local Official Register of Historic Resources

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

5:00 P.M. Consideration of Civil Service Board's report relating to compensation of Councilmembers and Mayor
Action Taken:

5:15 P.M. **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of October 8, 2002
Action Taken:

Approve Agency agenda
Action Taken:

AGENCY GENERAL ADMINISTRATION

- A. RESOLUTION** - Reaffirming Redevelopment Agency contracting policies and procedures - Member Perea
Action Taken:
- B. RESOLUTION** - Approving Amendment No. 2 to the Owner Participation Agreement between the National Farm Workers Service Center, the City of Fresno and the Redevelopment Agency, dated April 25, 2001, to provide a \$715,410 City construction loan and a \$184,000 grant from the Redevelopment Agency funds to complete the nine (9) houses in Phase III of the Casas San Miguel Project and authorize execution of documents - HECD
Action Taken:
- C.** Award a contract for an independent audit and related State Controller's report preparation services to Macias, Gini & Company, LLP and authorize the Executive Director or the Redevelopment Administrator to negotiate and execute the contract for services - Chair Duncan

ADJOURN AGENCY

1. **GENERAL CONSENT CALENDAR**

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

- A. * **RESOLUTION** - 37th amendment to AAR No. 2002-216 appropriating \$237,000 for capital improvements that have been previously approved at the Airways Golf Course (*Requires 5 affirmative votes*) - Airports Dept./Finance Dept.
Action Taken:
- B. Approve airline agreements between the City of Fresno and Allegiant Air, Inc., American Eagle Airlines, Inc., Horizon Air Industries, Inc., Mesa Air Group, Inc., and Skywest Airlines, Inc. - Airports Dept.
Action Taken:
- C. Approve Aviation Land and Building Lease and Agreement between the City of Fresno and Mark A. Diaz, an individual dba Invest-Air to occupy premises at Fresno Chandler-Downtown Airport - Airports Dept.
Action Taken:
- D. Approve Airways Golf Course Landlord Consent and Waiver to third party lender arrangements - Airports Dept.
Action Taken:
- E. **RESOLUTION** - Of intention to annex Final Tract No. 5086 to the City of Fresno Community Facilities District No. 2, Annexation No. 41, and to authorize the levy of special taxes - Public Works Dept.
Action Taken:
- F. **RESOLUTION** - Of intention to annex Final Tract No. 5103 to the City of Fresno Community Facilities District No. 2, Annexation No. 42, and to authorize the levy of special taxes - Public Works Dept.
Action Taken:
- G. * **RESOLUTION** - 38th amendment to AAR No. 2002-216 appropriating \$2,800 in grant funds from the State Office of Historic Preservation to underwrite a conference titled "Ethnicity, Community, and Historic Preservation in the Central San Joaquin Valley" (*Requires 5 affirmative votes*) - HECD
Action Taken:
- H. **RESOLUTION** - Approving the Final Map of Tract No. 4988/UGM and accepting dedicated public uses therein, an 8-lot single-family residential subdivision on 4.2 acres located on the east side of N. Brawley Avenue, north of W. Palo Alto Avenue - Planning and Development Department
Action Taken:

1.

GENERAL CONSENT CALENDAR CONTINUED

- I. * **RESOLUTION** - 36th amendment to AAR No. 2002-216 appropriating \$58,700 received as reimbursement for mutual aid assistance in wild land firefighting activities to the Fire Department (*Requires 5 affirmative votes*) - Fire Department
Action Taken:
1. Authorizing the Fire Department to receive future reimbursement for participating department personnel from Fresno City College
Action Taken:
2. * **RESOLUTION** - 25th amendment to AAR No. 2002-216 appropriating \$11,200 to be received from Fresno City College for reimbursement for the participation of Fire Department personnel (*Requires 5 affirmative votes*)
Action Taken:
- J. * **RESOLUTION** - 3rd amendment to Salary Resolution No. 2003-219 reflecting the reassignment of D.A.R.E. instructors to the Fresno City Employees Association, Unit 3 and the clarification of language in two narrative sections of the resolution
Action Taken:
- K. Award a contract for Herndon Avenue widening - Palm to West - General Services Dept./Public Works Dept.
Action Taken:
- L. * **RESOLUTION** - 41st amendment to AAR No. 2002-216 appropriating \$1,402,200 to fund Peach Avenue improvements between E. Clay and McKinley Avenue (*Requires 5 affirmative votes*) - General Services Dept./Public Works Dept.
Action Taken:
1. Award a contract for Peach Avenue improvements between E. Clay and McKinley Avenue
Action Taken:
- M. * **RESOLUTION** - 40th amendment to AAR No. 2002-216 appropriating a federal grant for \$288,500 to develop a Mobile Science Vehicle for Educational Outreach to Community's Youth (*Requires 5 affirmative votes*) - Parks and Recreation Department
Action Taken:
- N. Approve the application for the acceptance of not to exceed \$527,954 in REMOVE Program Phase III grant funds from the San Joaquin Valley Air Pollution Control District and authorizing execution of documents - Fresno Area Express
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. * RESOLUTION** - 39th amendment to AAR No. 2002-216 appropriating \$49,800 to complete final reimbursement to Willow Creek Foundry Ventures LLC (Community Facilities District No. 5 Foundry Park) derived from bond proceeds and developer deposits (*Requires 5 affirmative votes*) - Public Works Dept.
Action Taken:
- P.** Request for approval of sales of two (2) City-owned abandoned water well sites to three (3) adjacent owners - Public Works Dept.
Action Taken:
- Q.** Request for approval of the sale of a small parcel of right-of-way to Caltrans at the northbound on ramp to State Highway 168 at Ashlan Avenue - Public Works Dept.
Action Taken:
- R.** **RESOLUTION** - Setting the time of December 3, 2002, @ 10:15 a.m. and place for the public hearing to consider formation of Underground Utility District (UUD) No. FRE-81 (Willow Avenue Between Nees and Shepherd Avenue) - Public Works Dept.
Action Taken:
- S.** Consideration of agreement to license portions of City-owned parking lots for use by Pacific Bell Wireless Antenna Towers - Public Works Dept.
Action Taken:
- T.** Resolutions pertaining to proposed City of Fresno Community Facilities District No. 7 (Granville Homes–Willow and Teague)
1. **RESOLUTION** - Amending Public Facility Fee Program and delegating to City Controller the ability to make further amendments
Action Taken:
 2. **RESOLUTION** - Accepting petition, determining to undertake certain Community Facilities District proceedings and authorizing certain actions with respect to a Community Facilities District
Action Taken:
 3. **RESOLUTION** - Of intention to establish Community Facilities District No. 7 (Granville Homes–Willow and Teague) and authorize levying a special tax within the proposed district
Action Taken:
 4. **RESOLUTION** - Of intention to incur a bonded indebtedness not to exceed \$2,500,000 within proposed Community Facilities District No. 7 (Granville Homes–Willow and Teague)
Action Taken:
 5. **RESOLUTION** - Approving a Project Financing Agreement between the City and Granville Homes, Inc., and authorizing the execution thereof, concerning the City of Fresno Community Facilities District No. 7 (Granville Homes–Willow and Teague)
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- U. Approve the Agreement between the City of Fresno and non-supervisory Police Unit 4 (Fresno Police Officers Association) regarding premium pay for Skywatch Officers

Action Taken:

1. * **RESOLUTION** - 4th amendment to Salary Resolution No. 2002-219 to increase salary for the Chief Pilot position - Police Department

Action Taken:

- V. **RESOLUTION** - Approving application for and acceptance of a California Seat Belt Compliance Campaign "Mini Grant" from the California Office of Traffic Safety, and authorize the acceptance of fiscal year 2003 grant funds - Police Department

Action Taken:

1. * **RESOLUTION** - 35th amendment to AAR No. 2002-216 appropriating \$19,700 for the Fresno Police Department's California Seatbelt Compliance Campaign (CSBCC) (***Requires 5 affirmative votes***)

Action Taken:

- W. Approve appointment of Nuel Brown to the Planning Commission - Mayor Autry

Action Taken:

2. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

- A. * **BILL** - Amending the Fresno Municipal Code to adopt the Uniform Fire Code, 2000, Edition, as amended by the State of California with modifications

Action Taken:

1. **RESOLUTION** - Affirming the express findings for modifications to the Uniform Code, 2000 Edition, as amended by the State of California

Action Taken:

3. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - 34th amendment to AAR No. 2002-216 by adjusting revenues and appropriations in the various funds to provide for the completion of capital improvements that have been previously approved (***Requires 5 affirmative votes***) - Parks and Recreation Department

Action Taken:

- B. Approve an amendment to agreement with GeoSyntec Consultants to provide professional environmental engineering services related to the closure of the Fresno sanitary landfill - Public Works Dept.

Action Taken:

1. **GENERAL ADMINISTRATION CONTINUED**

- C. Approve Professional Service Agreement with Brown and Caldwell for preparation of a Wastewater Collection System Master Plan - Public Works Dept./Dept. of Public Utilities

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Consideration of salary increase for City Attorney - Council President Perea

Action Taken:

- B. Consideration of salary increase for City Clerk - Council President Perea

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Nov. 5 - NO MEETING**
- Nov. 12 - NO MEETING - VETERAN'S DAY**
- Nov. 19 - 10:00 A.M. HEARING** re: CFD No. 2, Annexation 40, pertaining to Tract No. 5082
- Nov. 19 - 10:05 A.M. HEARING** re: CFD No. 2, Annexation No. 31, Tract No. 4983
- Nov. 19 - 10:15 A.M. HEARING** re: Rezone Appl. No. R-02-29, filed by Centex Homes, property located on the s/e corner of S. Fowler and E. Heaton Avenues
- Nov. 19 - 10:30 A.M. HEARING** re: Rezone Appl. No. R-02-16, filed by Cambridge Homes, for property located on the s/w corner of W. Sierra and N. Cecelia Avenues
- Nov. 19 - 10:45 A.M. HEARING** re: Rezone Appl. No. R-02-19, filed by Centex Homes, for property located on the south side of W. Clinton Avenue betw. N. Blythe and N. Brawley Avenues
- Nov. 19 - 11:00 A.M.** Update on the Chaffee Zoo - Councilmember Duncan
- Nov. 19 - 11:30 A.M. HEARING** re: CUP No. C-02-187, filed by ASP San Diego, LLC.
- Nov. 19 - CONTINUED HEARING** to consider the 2025 Fresno General Plan and Draft Master Environmental Impact Report No. 10130
- Nov. 26 - NO MEETING - THANKSGIVING WEEK**
- Dec. 3 - 8:30 A.M. JOINT HEARING/RDA** re: proposed amendment to the Roeding Business Park Redevelopment Plan
- Dec. 3 - 10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 41, Tract No. 5086
- Dec. 3 - 10:05 A.M. HEARING** re: CFD No. 2, Annexation No. 42, Tract No. 5103
- Dec. 3 - 10:15 A.M. HEARING** re: adoption of a resolution approving the formation of UUD No. FRE-81 (property located at Willow between Nees and Shepherd)
- Dec. 3 - 10:30 A.M. HEARING** re: Plan Amendment No.A-01-31, Rezone Appl. No. R-01-54, filed by Sandalwood Development
- Dec. 3 - 10:45 A.M. HEARING** re: Rezone Application No. R-02-33, filed by Cambridge Homes to rezone AE5/UGM to R-1/UGM, property located on the west side of N. Brawley betw. W. Shields and W. Dakota Avenues
- Dec. 3 - 11:00 A.M.** Overview by Macias Group in response to Fiscal Committee - Councilmember Calhoun
- Dec. 10 - 10:00 A.M. HEARING** re: Rezone Application No. 02-38, filed by John Ashley
- Dec. 10 - 11:30 A.M. HEARING** re: CFD No. 7, Tract No. 4868
- Dec. 24 - NO MEETING - CHRISTMAS WEEK**
- Dec. 31 - NO MEETING - NEW YEAR'S WEEK**